IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13090 of 2004

Between:

No.1491278-W Naik Clerk (General Duties) Jitendra Singh,
R/o EME Depot, Secunderabad

..... PETITIONER

AND

1 The Commanding Officer, EME Depot Bn, Secunderabad
2 Colonel G.Ravi Kumar, Commanding Officer, EME Depot Bn, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, order or a Writ; more appropriately one in the nature of a Writ of Mandamus and " Declare the proceedings of the Respondents herein Convening Order No.21201 /PC/HQ dated 24, July 2004 ordering trial of the petitioner herein by a Summary Court Martial as being barred by the Limitation of Army Act Section 122 (in respect of charges No.2 & 3) and based on no evidence (in respect of Charge No.1) and thus violative of Petitioners Fundamental Rights guaranteed under Articles 14,16 and 21 of the Constitution of India and therefore ULTRAVIRES" and pass such other direction, order or orders that may be deemed to be necessary and proper.

Counsel for the Petitioner:MR.CAPT.K.M.SAXENA

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent No.2: Mr. DEEPAK BHATTACHARJEE

The Court made the following:

ORDER:

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The learned counsel for the petitioner sought for permission to withdraw the writ petition on account of conviction received by the petitioner in the hands of Summary Court Martial subsequent to the filing of the writ petition.

Permission accorded.

This writ petition is dismissed as withdrawn, giving liberty to the petitioner to approach appropriate authority for necessary relief.

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09.08.2004

Note:

Issue CC in two days.

B/o.

Dsr/ksn.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Commanding Officer,

EME DEPOT Bn. Secunderabad-500 010

2. The Colonel G.Ravikumar,

Commanding Officer,

EME DEPOT Bn. Secunderabad-500 015

3. Two CD copies.